

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA**

MICHAEL PARGA, RICHARD FELTZ,)
TARA O'DONLEY and CHRISTOPHER)
WOOD, on behalf of themselves and all others)
similarly situated,)

Plaintiffs,)

vs.)

Case No. 18-cv-00298-CVE-JFJ

BOARD OF COUNTY COMMISSIONERS)
OF THE COUNTY OF TULSA, *et al.*)

Defendants.)

MOTION TO SUPPLEMENT

Plaintiffs hereby seek leave of the Court to file a supplemental exhibit to their Motion for a Preliminary Injunction, ECF No. 158, and Motion for Temporary Restraining Order, ECF No. 159 against Defendant Tulsa County Sheriff Vic Regalado. In support of their Motion, Plaintiffs state as follows:

1. On Friday, April 3, Plaintiffs filed a motion seeking a preliminary injunction and temporary restraining order, enjoining Sheriff Regalado from enforcing any secured financial condition of release imposed on a person unless that person has had a due-process compliant hearing to determine the necessity of detention. Interim relief is required because detainees suffer irreparable harms associated with imprisonment, and now they face the risk of exposure to COVID-19.

2. On April 6, the Court directed accelerated briefing on the issue of whether there is a risk of imminent harm from COVID-19 at the Tulsa County Jail, and what procedures the Sheriff has implemented to mitigate such harm. ECF No. 161.

3. On that subject, Plaintiffs have obtained a Declaration of Dr. Elizabeth Y. Chiao, Professor of Medicine, Division of Infectious Diseases and Health Services, Research, Baylor College of Medicine, testifying to the risks posed by infectious diseases in jails generally, and of COVID-19 specifically. In addition, Dr. Chiao addresses the inadequacy of the COVID-19 mitigation measures adopted in the Tulsa County Jail, as outlined by Undersheriff George Brown in his affidavit filed in this case on April 2. ECF No. 158-8.

4. Given the urgency with which Plaintiffs filed their motions on April 3, and the unavailability of information regarding measures adopted by the Sheriff until April 2, Plaintiffs could not obtain the declaration in time to include it as an exhibit when they filed their motions. Plaintiffs received the affidavit on the afternoon of April 3, after the motion had been filed.

5. Now that the Court has signaled its particular interest in the question of the threat posed by COVID-19 in the jail and the efficacy of measures adopted by the Sheriff to address that risk, Plaintiffs request leave to file this declaration as a supplemental exhibit to their motions for interim relief. To the extent Defendants identify in their opposition brief additional measures adopted by the Sheriff to protect the jail population not yet known to Plaintiffs, Plaintiffs will file a supplemental declaration in connection with their reply brief. However, in order to expedite proceedings, Plaintiffs request leave to file Dr. Chiao's testimony with respect to all measures already known to allow Defendants an opportunity to respond in their opposition brief.

6. Plaintiffs provided counsel for Defendants with a copy of the proposed exhibit on the evening of April 7, 2020 by email. Defendants object to Plaintiffs' motion.

Dated: April 8, 2020

/s/ Hayley Horowitz
Hayley Horowitz
Kristina Saleh

Still She Rises, Tulsa
567 E. 36th Street North
Tulsa, OK 74106
918-392-0867

Charles Gerstein*
Ryan Downer*
Alexandria Twinem*
Laura Gaztambide Arandes*
Alec Karakatsanis*
Civil Rights Corps
1601 Connecticut Ave. NW, Ste. 800
Washington, DC 20009
202-894-6126

**Not admitted to the Oklahoma Bar;
admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiffs' Motion to Supplement Plaintiffs' Motions for a Temporary Restraining Order and Preliminary Injunction Against Defendant Tulsa County Sheriff was served on April 8, 2020 via the Northern District of Oklahoma CM-ECF system upon all counsel of record.

/s/ Hayley Horowitz